

March 15, 2017

Mr. David Seltz
Executive Director, Health Policy Commission
50 Milk Street, 8th Floor
Boston, MA 02109

Re: 958 CMR 10.00 – Performance Improvement Plans

Dear Mr. Seltz:

Partners HealthCare System appreciates the opportunity to submit written comments in response to the promulgation of proposed regulations relating to Performance Improvement Plans (PIPs) in 958 CMR 10.00.

We appreciate the diligence with which the Health Policy Commission (HPC) undertook development of the proposed regulation. However, we use this opportunity for comment to specifically request additional procedural safeguards to afford “CHIA-Identified Entities” with sufficient due process protections as the Commission deliberates whether to require a PIP.

While we acknowledge that the regulation does permit the Commission to request additional information from such entities so that it might determine whether factors outside the entities’ control contributed ultimately to an increase in TME, we do not believe that the process and procedures currently contained in the regulation give these entities adequate opportunity to fully refute the determination by CHIA and/or to proactively assert reasons why a PIP is not justified in their case. At a minimum, fairness of the proposed process is more fully assured if these entities are afforded a more complete opportunity to provide information that contests the finding of CHIA or the decision to issue a PIP in advance of any public notification of that fact.

Specifically, we urge the Commission to consider adding language to the proposed regulation that expressly allows these entities to review all data or other information that has been used by the Commission to reach the conclusion that a PIP is warranted in their case. This language should include any information that was relied upon by CHIA to conclude that the entity should be referred to the HPC. Further, prior to any final Commission vote to require a PIP and as part of the formal deliberation by the Commission, any identified entity should be given the opportunity to meet with HPC Commissioners and/or staff at either or both agencies to make any inquiries, clarify or present more current and/or mitigating data, and to challenge any assumptions that may have contributed inaccurately or erroneously to the determination that a request for a PIP is justified.

We believe that the additions requested above greatly enhance the process included in the proposed regulation and protects the rights of CHIA-Identified Entities to due process. It also protects both the Commission and entities from unnecessary and negative publicity in those instances where a full understanding of the facts does not justify the request for a PIP or the public dissemination of such fact.

Thank you again for your consideration of these comments.

Sincerely,

A handwritten signature in cursive script, appearing to read "Joseph D. Alviani".

Joseph D. Alviani, Esq
Vice President for Government Affairs